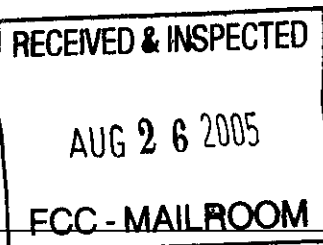


**LINDA SCHRECKINGER SADLER**  
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02-6  
cc  
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August 24, 2005

Office of the Secretary  
Federal Communications Commission  
445 -12th Street, S.W.  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RE: Appeal to the Federal Communications Commission  
Martin Ferry City School District, Billed Entity No. 129374

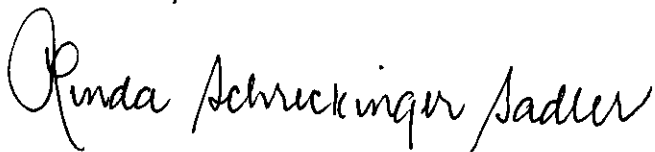
To Whom It May Concern:

Enclosed please find an appeal from a decision by the Schools and Libraries Division of the USAC relative to the school noted above.

Enclosed are an original and five copies of the Appeal and Request for Expedited Relief. Please file the original and four of the copies and return one time-stamped copy to me in the enclosed self addressed-stamped envelope.

Please direct all communication regarding this appeal to my attention at the address noted above. Thank you for your assistance in this matter.

Yours truly,

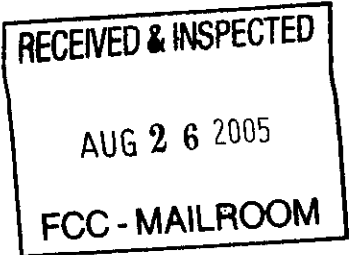


Linda Schreckinger Sadler

Encl.

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List A B C D E

Before the  
Federal Communications Commission  
Washington, D.C. 20554



In the Matter of )  
)  
Appeal of Decision of the )  
)  
Universal Service Administrator )  
)  
By )  
)  
Martins Ferry School District )  
Martins Ferry, OH )  
)  
)  
Federal-State Joint Board on )  
Universal Service )  
)  
Changes to the Board of Directors of )  
The National Exchange Carrier )  
Association, Inc. )

CC Docket No. 02-6

File No. SLD -

**APPEAL AND REQUEST  
FOR EXPEDITED RELIEF**

**TO:** Federal Communications Commission  
Office of the Secretary  
445 - 12th Street, SW  
Washington, DC 20554

This Appeal made to the Federal Communications Commission ("FCC") seeking review of decisions by the Schools and Libraries Division ("SLD") Universal Service Administrative Company ("USAC") reducing funding to Martins Ferry School District ("Martins Ferry") for Funding Year 2005-2006.

**Appeal Is Taken From the Following Funding Commitment Decision Letters**

- (1) Form 471 Application Numbers: 465077, 481089  
Funding Year 2004: 07/01/2005-06/30/2006  
Billed Entity Number: 129374  
Date of FCDL : June 27, 2005

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List A B C D E

### **Funding Request Numbers Appealed**

471 App. No. 465077: FRNs – 1279211, 1279314, 1281764, 1281811, 1281831,

471 App. No. 481089: FRNs - 1330931

### **SLD's Reason for Funding Denial**

The SLD granted funding on all FRNs but modified the funding request stating:

“The site-specific discount was corrected.”

### **Statement in Support of Appeal**

Martins Ferry School District seeks review of a decision by the Schools and Libraries Division (“SLD”) of the Universal Service Administrative Company (“USAC”). The decision by the SLD granted Martins Ferry funding for the July 1, 2005-June 30, 2006 Funding Year but erred in correcting the shared discount percentage to a lower percentage than that to which Martins Ferry is actually entitled.

It is the position of Martins Ferry that had the SLD reviewed and applied the free and reduced data supporting the discount percentage calculations used in the 471 applications, the SLD would not have improperly reduced funding. The discount percentage reduction came without considering the supporting data submitted by Applicant and was therefore improperly calculated by the SLD.

#### **1. The shared discount was accurate as stated on the Applicant's FCC Form 471 Applications**

Based on the 471 Applications submitted by Martins Ferry, the SLD committed reversal error when it modified the “site-specific” discount percentages. The District calculated its discount in accordance with the FCC's Form 471 Instructions. More specifically, Martins Ferry

used an approved SLD alternative calculation mechanism to determine the applicable discount percentage. This alternative method is described in the SLD's Alternative Discount Mechanisms Fact Sheet at <http://www.sl.universalservice.org/ContentInc/reference/alt.asp>. The specific method employed was Number 7, Projections Based on Surveys.

Projections Based on Surveys states:

If a school has sent a questionnaire to all of its families, and if it receives a return rate of at least 50 percent of those questionnaires, it may use that data to project the percentage of eligibility for E-rate purposes for all students in the school. For example, a school with 100 students sent a questionnaire to the 100 homes of those students, and 75 of those families returned the questionnaire. The school finds that the incomes of 25 of those 75 families are at or below the IEG for NSLP. Consequently, 33 percent of the students from those families are eligible for E-rate purposes. The school may then project from that sample to conclude that 33 percent of the total enrollment, or 33 of the 100 students in the school, are eligible for E-rate purposes.

During the PIA process, the SLD reviewer requested and received copies of the free and reduced data calculations obtained from the survey conducted by Martins Ferry personnel. This free and reduced data provided the basis upon which the District's discount percentage of 74% was calculated. The District's documentation clearly substantiates the District's discount percentage in accordance with SLD guidelines.

## **2. The shared discount percentages should not have been modified by the SLD.**

The alternative mechanism used by the District was one of the SLD's sanctioned alternative calculation mechanisms for free and reduced data. The District's calculations were within SLD guidelines and were fully supported by necessary documentation. Using the sanctioned survey method the District accurately calculated its discount percentage to be at 74%. Although done in complete conformity with SLD rules and methodology, it appears that the PIA reviewer ignored

this data and incorrectly modified the discount percentage to be lower than the percentage to which Martins Ferry is rightfully entitled.

The SLD committed reversible error when it modified the discount percentage to be contrary to the calculations and supporting documentation.

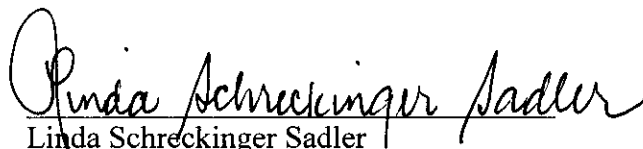
**Conclusion:**

The discount percentage calculation method used by the District followed SLD sanctioned methodology and was fully supported by all necessary documentation. The SLD committed reversible error when it modified the shared discount percentage to be less than supported by the data.

Applicant hereby requests:

1. That this matter be acted upon within 90 days or less of the filing date of this appeal;
2. That the FCC order the SLD to correct the percentage discount for all FRN's set forth herein.
3. That funds be set aside to totally fund the District's request.

Respectfully submitted,



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